

UNAPPROVED MINUTES
COUNCIL MEETING
April 12, 2010

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on April 12, 2010, at 7:30 p.m., there being present all the members of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; Melinda J. Payne, Director of Planning and Economic Development; Charles E. Van Allman, Jr., City Engineer; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

It was noted that Troop 39 from First Christian Church was present at this meeting of Council.

The March 23, 2010, regular meeting minutes were approved as written.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider amending the 2009-2010 budget; notice of such hearing was published in the April 8, 2010, issue of the Salem Times-Register, a newspaper published and having general circulation in the City of Salem; and

<u>ITEM 1</u> 2009-10 MID-YEAR BUDGET ADJUSTMENTS APPROVED
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WHEREAS, Vice Mayor Givens, Chairman of Council's Audit-Finance Committee, reported that the Audit-Finance Committee met regarding the mid-year budget adjustments and he asked that the Director of Finance explain the adjustments; and

WHEREAS, the Director of Finance reported that each year Council is accustomed to being presented amendments to the current year budget; in the past, the amendments were a result of events and circumstances unknown when the budget was developed; additionally, grants are received that need to be accounted for and an update given on projects for which funds have been reserved; this year, however, is extraordinarily unique because the downturn in the national, state, and local economies has entered its third year and is expected to continue to influence budgets well into 2012; we are now discussing 2009-10, along with the immediate impact on 2010-11; the State has already approved its 2010-12 budget, which cuts huge sums of funding for state and local governments; the Committee has thoroughly reviewed the amendments presented by City staff and has noted a decline in key revenue sources such as Sales Tax, Utility Tax, Meals Tax, Lodging Tax, and Communications Tax totaling

\$970,000; a list of budget amendments which includes a deferral of capital outlay, savings from personnel vacancies, and solid waste disposal savings are expected to offset the revenue decline in the current year; the Committee recommends approval of the mid-year budget amendments as presented and concurrence with the action of the School Board regarding its budget amendments; and

WHEREAS, Vice Mayor Givens commended the Director of Finance and staff, as well as all department directors for their efforts to maintain a balanced budget; and

WHEREAS, Mayor Foley stated that the 2009-10 budget is down approximately five percent from when the budget was originally adopted; and

WHEREAS, no other person(s) appeared before the Council;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, 2009-2010 Mid-Year Budget Adjustments are hereby approved – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 2
COMPREHENSIVE
AGREEMENT FOR
POLICE
DEPARTMENT
JUDGES
CHAMBERS
EXPANSION
PROJECT
APPROVED AND
CONTRACT
AWARDED TO
LIONBERGER
CONSTRUCTION

Mayor Foley requested that Council consider approval of the comprehensive agreement for the Police Department Judges Chambers Expansion Project; and

WHEREAS, Vice Mayor Givens, Chairman of Council's Audit-Finance Committee, reported that the Committee reviewed the comprehensive agreement for the Police Department Judges Chambers Expansion Project and recommends approval of a contract with Lionberger Construction in the amount of \$1,326,511, contingent on review and approval by the City Attorney and City Staff; and

WHEREAS, the City Manager stated that an addition to the police department would encompass a new chamber for Judge Steve Agee, who is a resident of Salem and has been appointed to the Federal Court, but has the option to choose to have his office in Salem; he stated that when a federal judge needs a new chamber built, the general services administration of the federal government goes out and solicits bids within a certain geographic footprint in order to build a new chamber for the judge; he stated that the City of Salem was approached to put in a bid for the construction of the new judge's chambers as

part of the police department building for a number of reasons—the security required for a federal judge cannot be met in many traditional office buildings, but because the office will be part of the public safety administration building and has a controlled access, the location is ideal for the type of office needed for a federal judge; in addition, the location of the building fits in the geographic footprint the judge indicated he would like for his chambers to be located; he further stated that through a very long process that the Assistant City Manager has spearheaded, the City submitted a bid for improvements to the Salem Police Department and to build a chamber for Judge Agee, which has been approved by GSA; he stated that through a Public/Private Procurement Act, proposals for construction were solicited in which Lionberger Construction was the best proposal submitted; he further stated that the City of Salem will endeavor to build the judge’s chamber and the lease payment received from the federal government will pay the debt service for the construction costs; and

WHEREAS, Vice Mayor Givens stated that the lease is for fifteen (15) years; and

WHEREAS, the City Manager stated that the lease is guaranteed for fifteen (15) years; and

WHEREAS, Mayor Foley stated that the City will own the building once Judge Agee retires; and

WHEREAS, a discussion was held regarding the terms of the lease, etc.;

ON MOTION MADE BY COUNCILWOMAN JOHNSON, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, the comprehensive agreement for the Police Department Judges Chambers Expansion Project and contract with Lionberger Construction in the amount of \$1,326,511 was hereby approved contingent on review and approval of the City Attorney and City Staff -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider approval of the comprehensive agreement for the Police Department Judges Chambers Expansion Project; and

WHEREAS, Vice Mayor Givens, Chairman of Council’s Audit-Finance Committee, reported that the Committee reviewed the performance bond for physical improvements and erosion and sediment control for the Our Lady of

<p><u>ITEM 3</u> BOND AND TIME LIMIT SET FOR OUR LADY OF PERPETUAL HELP CATHOLIC CHURCH PROJECT</p>

Perpetual Help Catholic Church project and recommends setting bond at \$8,151 with a time limit of twelve (12) months for completion;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, bond for physical improvements and erosion and sediment control for the Our Lady of Perpetual Help Catholic Church project was hereby set at \$8,151 with a time limit of twelve (12) months for completion -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 4
CONTRACT
AWARDED TO
ALLEGHANY
CONSTRUCTION
COMPANY, INC.
FOR BROAD
STREET CULVERT
PROJECT

Mayor Foley requested that Council consider awarding contract for the Broad Street Culvert project; and

WHEREAS, Vice Mayor Givens, Chairman of Council's Audit-Finance Committee, reported that the Committee reviewed the bids that were received for the Broad Street Culvert Repair project; the two bids submitted were reviewed by Mattern and Craig Engineers; the City's Engineering and Finance Departments determined both bids were consistent with plans and specifications; the 2009-10 budget contains sufficient funds for this project; the Committee concurs with the recommendation that the low bid of Alleghany Construction Company, Inc., in the amount of \$126,000 be accepted; and

WHEREAS, the City Manager stated that the Broad Street Culvert is located next to Brooks-Byrd Pharmacy where one lane of traffic has been blocked for some time; he stated that this project will correct the problem; he further stated that the reason the project has taken so long is that the project encompassed both a need for corrective work on the Salem City side, as well as some corrective work on the Brooks-Byrd Pharmacy side, which is owned by Snyder Nursing Home; he stated that it was necessary for both parties to work together on this project at the same time rather than the City try to correct its problem and leave an unfixed problem at Brooks-Byrd Pharmacy or vice versa; he further stated that if Council awards a contract, the project should proceed very quickly; and

WHEREAS, Councilwoman Garst questioned if both lanes will need to be closed once work begins on the project; and

WHEREAS, the City Engineer stated that both lanes are not planned to be closed; it is planned to keep one lane open when possible; he stated that on occasion both lanes will need to be closed in order to move in heavy equipment or something of that nature; and

WHEREAS, Vice Mayor Givens questioned if the front entrance to Brooks-Byrd will be closed at any time; and

WHEREAS, the City Engineer stated that the front entrance to Brooks-Byrd will be closed, and it is stipulated in the contract that the front entrance will be closed for no more than seven (7) continuous days at a time with access to the store in the rear of the building; he stated that it is the hope to minimize the seven-day time frame that the front entrance will be closed and make it as brief as possible; and

WHEREAS, Councilman Jones questioned if the closure has been discussed with Brooks-Byrd; and

WHEREAS, the City Engineer stated that it has been discussed and everyone is aware of the closure; he stated that it has also been coordinated with the Building Inspector;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, the contract for the Broad Street Culvert project was hereby awarded to Alleghany Construction Company, Inc., in the amount of \$126,000 -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider an ordinance on second reading to extend the franchise agreement between Appalachian Power Company, doing business as American Electric Power, and the City of Salem; ordinance was passed on first reading at the March 23, 2010, meeting;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, an ordinance to extend the franchise agreement between Appalachian Power Company, doing business as American Electric Power, and the City of Salem was hereby adopted on second reading:

(HERE SET OUT ORDINANCE)

-- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 5
ORDINANCE
ADOPTED TO
EXTEND THE
FRANCHISE
AGREEMENT
BETWEEN AEP
AND THE CITY OF
SALEM

ITEM 6
NO ACTION TAKEN

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

THEREUPON, no action was taken.

There being no further business to come before the Council, the same on motion adjourned at 7:54 p.m.